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IT IS SO ORDERED.

Dated: December 21, 2020



ALAN M. KOSCHIK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re)	Case No. 20-50569
)	
MIA SIMMONS,)	Chapter 7
)	
Debtor.)	Judge Alan M. Koschik
)	

**ORDER FINDING RONNIE HOLMAN IN CONTEMPT FOR FAILURE TO APPEAR
AND DIRECTING HIM TO SHOW CAUSE WHY
A BENCH WARRANT FOR HIS ARREST SHOULD NOT BE ISSUED**

On December 8, 2020, Julie K. Zurn, the duly-appointed chapter 7 trustee (the “Trustee”) in this case, filed a Motion to Show Cause (Docket No. 87) (the “Motion”). On December 9, 2020, the Court entered an Order to Show Cause (Docket No. 88) (the “Show Cause Order”) directing third party Ronnie Holman (“Holman”) to appear at a telephonic hearing to be held on December 16, 2020 (the “Show Cause Hearing”) and show cause why he should not be held in contempt for violating a previous order of this court.

Previously, on November 5, 2020, the Trustee filed her Motion to Compel Appearance of Ronnie Holman at a Rule 2004 Examination (Docket No. 82) (the “Examination Motion”). On

the same day, the Court entered an order granting the Examination Motion (Docket No. 83) (the “Examination Order”). Pursuant to the Examination Order, the exam was to be conducted on November 20, 2020, and Holman was to bring certain documents regarding his financial relationship with debtor Mia Simmons (the “Debtor”), including information about transactions made by the Debtor before this case was filed that may have dissipated assets of the estate and/or benefited Holman directly or indirectly.

In her Motion, the Trustee states that Holman was served with a copy of the Examination Motion, the Examination Order, a subpoena (as required to compel attendance pursuant to Federal Rules of Bankruptcy Procedure 2004(c) and 9016), and a check for witness fee and mileage. The Trustee further states that Holman contacted the Trustee by phone and left a voicemail on November 9, 2020, indicating that he did not intend to appear for the examination and had not received the Examination Motion, Examination Order, and subpoena. It is unclear to the Court how Holman learned of the upcoming examination which he did not intend to attend unless he had, in fact, been served with a subpoena compelling his attendance. The Trustee further states that she returned Holman’s phone call on November 10, 2020, and that Holman “abruptly ended the call after again indicating that he did not intend to appear and he was claiming the ‘fifth’ anyways.” (Docket No. 87 at 1.)

On November 19, 2020, the Trustee filed a Notice of Adjourned 2004 Examination (Docket No. 86) (the “Notice”). Pursuant to the Notice, the examination was rescheduled from November 20 to November 30, 2020, and was now to take place via Zoom video conference.

In her Motion, the Trustee states that she mailed a copy of the Notice to Holman and left him a phone message regarding the change. Holman did not return her call, did not appear in

person on November 20, 2020, and did not appear by Zoom on November 30, 2020. This led to the filing of the Motion and the Show Cause Order.

The Court held the Show Cause Hearing on December 16, 2020, as scheduled. The Trustee appeared. Holman did not appear.

Based on Holman's failure to appear for either scheduled date of the Rule 2004 examination, and his failure to attend the Show Cause Hearing or otherwise respond to the Motion,

IT IS HEREBY ORDERED THAT:

1. The Court holds Ronnie Holman in **CIVIL CONTEMPT** for failing to appear at either the November 20, 2020 examination or the adjourned November 30, 2020 examination, in defiance of a subpoena issued pursuant to Federal Rule of Bankruptcy 2004(c) and 9016, and for failing to appear at the Show Cause Hearing.

2. Ronnie Holman is directed to **APPEAR AND SHOW CAUSE** at a further show cause hearing (the "Second Show Cause Hearing") scheduled on **January 13, 2021, at 11:15 a.m.**, which will be held telephonically using the following dial-in information:

Phone Number (866) 434-5269
Access Code: 2469740#

3. Holman shall be prepared to show cause regarding why he failed to appear pursuant to the Examination Order and the Show Cause Order, and has not produced the documents subpoenaed pursuant to the Examination Order.

4. Holman is further directed to produce to the Trustee the documents subpoenaed pursuant to the Examination Order no later than **January 8, 2021.**

5. The Court will abate its finding of contempt if the Trustee certifies to the Court, prior to or at the Second Show Cause Hearing, that the Debtor has produced to the Trustee the

subpoenaed documents and has made himself available for oral examination by the Trustee under oath.

4. In the unfortunate event that Holman (a) fails to take the required actions necessary to abate the finding of contempt prior to the Second Show Cause Hearing, and (b) fails to appear at the Second Show Cause Hearing, the Court will consider further sanctions against Holman, including *issuing a bench warrant*, directing the United States Marshal *to arrest Ronnie Holman* and compel him to attend an examination and produce the documents and information regarding his financial relationship with the Debtor that he has been ordered and subpoenaed to produce to the Trustee.

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